

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,)	NO. CR09-5334RJB
)	
Plaintiff,)	
)	ORDER GRANTING JOINT MOTION
vs.)	TO EXTEND TIME TO FILE
)	INDICTMENT UNDER SPEEDY TRIAL
JORGE GOVEA-JIMENEZ,)	ACT
)	
Defendant.)	
)	
)	

The Court, having considered the parties' Joint Motion To Extend Time To File Indictment Under Speedy Trial Act finds that:

1. Mr. Govea-Jimenez is charged by Felony Information with Eluding Examination At Entry First and Second Offense, alleged to have occurred on or about July 15, 2003 and January 15, 2009 respectively, in violation of Title 8, United States Code, Section 1325(a)(2). Defendant was arrested and made his Initial Appearance on May 14, 2009, at which time the Court ordered that the defendant be detained in custody pending further proceedings, and Defendant executed a Waiver of Preliminary Hearing
2. Under the Speedy Trial Act, an Indictment charging a defendant must be filed within 30 days from the date on which the defendant was arrested or served with a summons in connection with such charges. 18 U.S.C. §3161(b). Hence, at the present time, the United

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2 States must obtain an Indictment in this case on or before July 10, 2009, to meet the
3 requirements of the Speedy Trial Act.

4 3. The defendant is diligently conducting an investigation into the circumstances
5 surrounding his situation at the time of his alleged offense. The defendant does not believe
6 that his investigation will be completed by the expiration of the time to obtain an Indictment.
7 The defendant believes that the results of its investigation will be essential to preparing his
8 defense, and may facilitate a resolution of this matter.

9 4. Accordingly, the parties are seeking an Order continuing the time within which
10 an Indictment must be filed on the ground that the “ends of justice served by taking such
11 action outweigh the best interest of the public and the defendant in a speedy trial,” as
12 permitted by 18 U.S.C. §§ 3161(h)(7)(A), (B)(I) and (B)(iv).

13 5. Given that the defense’s investigation remains incomplete, the parties believe
14 that the failure to grant this extension would deny the defense the reasonable time necessary
15 for adequate and effective preparation, taking into account the exercise of due diligence. The
16 parties believe that a denial of a continuance would result in a miscarriage of justice.

17 6. The defendant has executed a Waiver of Speedy Trial waiving rights under the
18 Sixth Amendment and the Speedy Trial Act, 18 U.S.C. §§ 3161-3174 in this regard, and has
19 further agreed that the period from July 10, 2009, until August 14, 2009, shall be an
20 excludable period of time under the Speedy Trial Act pursuant to 18 U.S.C. §3161(h)(7)(A).

21 In light of the foregoing, IT IS HEREBY ORDERED that the time to file an indictment
22 be continued to August 14, 2009. The period of delay resulting from this continuance from

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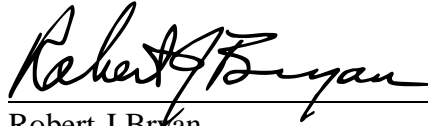
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1 July 10, 2009, to August 14, 2009, is hereby excluded for speedy trial purposes under 18
2 U.S.C. § 3161(h)(7).

3 DONE this 2nd day of July, 2009.

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6 Robert J Bryan
7 United States District Judge
8

9 Presented by:

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11
12 /s/ Linda R. Sullivan

13 Linda R. Sullivan
14 Attorney for Defendant
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16 /s/ Marc A. Perez

17 Marc A. Perez
18 Assistant United States Attorney
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